

GUERIVACE SHELTON v. AT&T MOBILITY, LLC
Deposition of: GUERIVACE SHELTON

2/29/2012

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1 IN THE UNITED STATES DISTRICT COURT
2 FOR THE NORTHERN DISTRICT OF TEXAS
2 DALLAS DIVISION

4 GUERIVACE SHELTON,)
5 Plaintiff,)
6)
7 VS.) CASE NO.
8) 3:11-CV-00991-K-WB
9 AT&T MOBILITY, LLC,)
10 and COMMUNICATIONS)
11 WORKERS OF AMERICA,)
12 LOCAL 6215,)
13 Defendants.)

10 ORAL DEPOSITION OF
11 GUERIVACE SHELTON
12 February 29, 2012
13 VOLUME 1

ANSWERS AND DEPOSITION OF GUERIVACE
SHELTON, produced as a witness at the instance of the
Defendant AT&T MOBILITY, LLC, taken in the above-styled
and -numbered cause on the 29th day of February, 2012,
from 9:25 a.m. to 4:39 p.m., before Jamie K. Israelow, a
Certified Shorthand Reporter in and for the State of
Texas, Registered Professional Reporter, Certified
Realtime Reporter and Certified LiveNote Reporter,
reported in machine shorthand at the offices of AT&T,
located at 208 S. Akard Street, 13th Floor, in the City
of Dallas, County of Dallas and State of Texas.

U.S. LEGAL SUPPORT - DALLAS, TEXAS
214-741-6001

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09:30:33 1 Q. Okay. Let me cover now your work history
09:30:38 2 since -- since you graduated high school.
09:30:47 3 A. Oh.
09:30:48 4 Q. I'm sorry. I didn't inflect my voice --
09:30:49 5 A. You said: Let me cover it. I --
09:30:51 6 Q. I didn't inflect my voice properly. Let me ask
09:30:54 7 it again. I'm sorry.
09:30:57 8 A. Okay.
09:30:57 9 Q. You've obviously worked since graduating high
09:30:59 10 school.
09:30:59 11 A. Yes.
09:30:59 12 Q. And when did you graduate high school?
09:31:00 13 A. 19 -- high school was '77, I guess.
09:31:06 14 Q. Okay. And I can tell you I -- I swear I don't
09:31:10 15 usually ask women this question, but how -- how young a
09:31:14 16 lady are you today?
09:31:15 17 A. I'm 54.
09:31:24 18 Q. All right. Let's go back to 1977. We all have
09:31:30 19 to test our memories a bit. Can you give me your --
09:31:37 20 your different jobs that you've worked in since then?
09:31:41 21 And again, I don't have to have exact dates, even exact
09:31:41 22 names, but just tell me what you did and where you did
09:31:45 23 it.
09:31:45 24 A. When I was in high school, I worked for a place
09:31:48 25 called Watson's Department Store.

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09:49:08 1 The lady that was sitting beside me was
09:49:12 2 one of the younger women, which was Leticia Beckworth,
09:49:16 3 and my manager came down the aisles giving us the papers
09:49:20 4 that we needed to sign to, you know, set us in our pay
09:49:29 5 scales and see if that's what you agreed on. And that's
09:49:31 6 how -- you know, she handed her my paper to reach to me.
09:49:39 7 On the way through, she looked at my paper.

09:49:41 8 Q. Uh-huh. Ms. Beckworth did?

09:49:44 9 A. Yes.

09:49:44 10 Q. Okay.

09:49:45 11 A. And so that's, you know, some of it. And then
09:49:47 12 some of the other agents found out, I guess, between the
09:49:50 13 others talking about it.

09:49:56 14 Q. Was Ms. Beckworth -- was she younger than you?

09:49:58 15 A. Yes.

09:49:59 16 Q. Do you know how young or how old she is or was?
09:50:02 17 Any idea?

09:50:02 18 A. Not exactly, no.

09:50:04 19 Q. So you don't know, for instance, if in 2000 --
09:50:06 20 well, when did you find out? You said this was back
09:50:08 21 in --

09:50:08 22 A. 2008.

09:50:09 23 Q. -- 2008. You started September 2008, so it had
09:50:16 24 to be September, October, November, December, somewhere
09:50:19 25 in the last quarter or so of 2008.

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09:50:21 1 A. Yeah.

09:50:22 2 Q. How did you find out that Ms. Beckworth had a
09:50:27 3 higher starting salary or starting wages than you?

09:50:32 4 A. At that time, I didn't know. I wasn't sure.

09:50:37 5 When I came into the company, that was the argument.

09:50:40 6 And then later on, people were continuing to argue about
09:50:44 7 the situation.

09:50:48 8 In December of 2008, I heard Ms. Beckworth
09:50:55 9 and a manager, Ms. Hardeman, discussing pay, and I was
09:50:59 10 wondering why they were discussing pay. I mean, I
09:51:01 11 thought that was all supposed to be done and over with.
09:51:04 12 I heard the whispers through the station and through the
09:51:09 13 offices and things of what was going on. And then one
09:51:12 14 day, I was sitting at my desk and we were filling out
09:51:14 15 papers, and me and another agent was sitting there
09:51:17 16 wondering what was going on. And because of the
09:51:20 17 confusion at that location -- there's a lot of confusion
09:51:23 18 at that location. You know, I said: I don't want to
09:51:27 19 get into it. I said: If anything happens, I know in
09:51:30 20 the union, because my father was in the union for years,
09:51:33 21 they can't do anything on the floor. And then Laura
09:51:37 22 confirmed that because some of the agents did discuss
09:51:43 23 that with Laura in there.

09:51:43 24 Q. What -- was Ms. Beckworth in the same work
09:51:46 25 group as you are --

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09:51:47 1 A. Yes.
09:51:48 2 Q. -- as you were?
09:51:48 3 A. Yes.
09:51:49 4 Q. You were both -- at that time, you were both
09:51:52 5 in --
09:51:52 6 A. The same category.
09:51:54 7 Q. -- credit and activation?
09:51:55 8 A. Yes, we were.
09:51:56 9 Q. And did you have the same supervisors?
09:51:59 10 A. No.
09:52:01 11 Q. Who was your supervisor then?
09:52:03 12 A. Ben something. I'm not sure of his last
09:52:08 13 name --
09:52:08 14 Q. Okay.
09:52:08 15 A. -- because I never seen it --
09:52:11 16 Q. I know. Like I said at the beginning, this is
09:52:14 17 part memory test.
09:52:16 18 A. Okay.
09:52:21 19 Q. Okay. But what happened, though, in
09:52:24 20 September -- in the end of 2008 --
09:52:26 21 A. Ben Ateku.
09:52:28 22 Q. Was your supervisor?
09:52:30 23 A. Uh-huh.
09:52:30 24 Q. Okay. What happened, Ms. Shelton, in the end
09:52:33 25 of 2008 that convinced you that Leticia Beckworth was

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09:52:43 1 making more than you were? And Ms. Beckworth started
09:52:46 2 the same --
09:52:46 3 A. Day.
09:52:47 4 Q. -- day as you?
09:52:48 5 A. Right.
09:52:48 6 Q. Okay. Same position?
09:52:50 7 A. Yes.
09:52:50 8 Q. Okay.
09:52:54 9 A. Well, at that time, I didn't think it was
09:52:56 10 anything. You know, it didn't bother me because --
09:52:59 11 Q. What -- what didn't bother you?
09:53:01 12 A. If she was making more money than me. And at
09:53:03 13 that time, I didn't know if she was or anything, but I
09:53:05 14 just heard the agents, other agents, because it made
09:53:07 15 them even angrier.
09:53:09 16 Q. But you see what I'm trying to figure out,
09:53:10 17 though, is: When did you know that Leticia was making
09:53:13 18 more than you?
09:53:15 19 A. At the time, I -- you know, there was a lot of
09:53:19 20 talk. We lost a lot of agents at that time, too. I
09:53:22 21 didn't really know until February, when my check
09:53:25 22 started, because in December --
09:53:28 23 Q. February of?
09:53:30 24 A. 2000 --
09:53:32 25 Q. 2009?

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09:53:34 1 A. No. I didn't even know until 2010.

09:53:36 2 Q. Okay.

09:53:38 3 A. I didn't even know for sure. There was no
09:53:40 4 reason for me to hack or anything about that because
09:53:43 5 that was hearsay. I don't deal with hearsay.

09:53:43 6 Q. Uh-huh.

09:53:48 7 A. I don't like to deal with hearsay.

09:53:49 8 So what I did is that I -- you know, I
09:53:51 9 just went along. And then in December 2010, before she
09:53:57 10 left, she confirmed that. She even pulled up her
09:54:03 11 information and showed it to me in the screen, and I
09:54:06 12 told her: You know what? And then when I found out,
09:54:10 13 that day, which was a Friday --

09:54:12 14 Q. Uh-huh.

09:54:12 15 A. -- I tried to pull up my check and I could not
09:54:14 16 pull up my check. My -- in the system, it came up --
09:54:21 17 which you-all should have a picture of.

09:54:24 18 Q. Well, we'll get to that. So let me try to put
09:54:26 19 some time frames here.

09:54:27 20 So December -- well, the end of 2008, you
09:54:30 21 were hearing that Leticia Beckworth was making more
09:54:35 22 money than you?

09:54:36 23 A. And I also heard her and her manager discuss
09:54:38 24 that as well, about a raise and what she needed to put
09:54:42 25 on the paper and what she needed to fill out on the

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10:03:03 1 A. No, I've never heard of it.

10:03:05 2 Q. Okay.

10:03:08 3 A. That was never discussed, nor were negotiations
10:03:13 4 prior to.

10:03:14 5 Q. I'm looking back at your complaint, your
10:03:16 6 original complaint, Exhibit 1.

10:03:18 7 A. Uh-huh.

10:03:19 8 Q. You also say: You -- I also believe that I
10:03:22 9 have been discriminated against on the basis of
10:03:25 10 retaliation, in that I have been subjected to adverse
10:03:29 11 treatment as a result of my complaints.

10:03:34 12 So what was the adverse treatment that
10:03:37 13 you're referring to in this complaint?

10:03:42 14 A. Not knowing all the union regulations, because
10:03:45 15 I hadn't read the book at the time, I got sick in
10:03:49 16 January of 2010. One day, I was very sick and they -- I
10:04:06 17 had to go to the emergency room. I had to leave my job
10:04:10 18 and I went to the emergency room. And when I came back
10:04:21 19 to work, I brought an excuse for not being there, not
10:04:25 20 knowing that, you know, at the time, because I didn't
10:04:28 21 have the rules and regulations of the book, that I
10:04:34 22 wasn't going to get paid for my short-term disability.
10:04:37 23 And I was, like: Why is it short-term disability when
10:04:43 24 you're sick for a few hours? I said: Couldn't I take
10:04:48 25 sick time? And I couldn't understand why it was

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10:04:52 1 short-term disability, because that's what was told to
10:04:57 2 me, that I would have to fill out these forms. My
10:05:00 3 manager, Sherry Rea, gave me these forms to fill out for
10:05:04 4 short-term disability. And I'm like: What do I need to
10:05:08 5 do with short-term disability? I was only off 3 days --
10:05:14 6 I mean 3 hours, approximately 3 to 4 hours -- I'm not
10:05:16 7 sure exactly -- from sick, you know, because they said
10:05:18 8 that I didn't have any time available on the books.

10:05:20 9 So I said: Well, okay.

10:05:24 10 So she said: You need to get these
10:05:26 11 approved. She had me to call the Line 4, and I do have
10:05:30 12 copies of that for short-term disability --

10:05:30 13 Q. Uh-huh.

10:05:34 14 A. -- for those 3 hours to get paid. It took me
10:05:37 15 approximately 3 months to get that approved, calling my
10:05:40 16 doctor, going through the emergency room. I'm like:
10:05:43 17 This is ridiculous.

10:05:45 18 And then after all of that was done, plus
10:05:48 19 I was trying to discuss with them about my pay raise --

10:05:51 20 Q. Uh-huh.

10:05:56 21 A. -- I'm like: What is going on? You know, and
10:05:58 22 I was trying to knock that out of the way, because it
10:06:01 23 took me a while to get that straightened out. I got it
10:06:04 24 approved and I still didn't get paid.

10:06:06 25 And then later on with my union,

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10:06:08 1 approximately about almost 9 months later, we were going
10:06:11 2 through the book, and I found out that, you know, you
10:06:14 3 had to be absent at least 2 days or within -- I'm not
10:06:18 4 sure exactly, but it's in here --

10:06:18 5 Q. Uh-huh.

10:06:21 6 A. -- before you were even paid sick time or, you
10:06:24 7 know, or paid -- or approved. Your sick time was
10:06:27 8 approved.

10:06:27 9 Q. Okay.

10:06:29 10 A. And I'm like: Okay. I need to start reading
10:06:31 11 this book.

10:06:32 12 Q. Uh-huh. So let me see. You were -- in January
10:06:38 13 of 2010, you were --

10:06:40 14 A. Extremely sick.

10:06:41 15 Q. -- you were sick?

10:06:42 16 A. So that's the reason I really didn't go into
10:06:44 17 detail about things because I had been sick, and that
10:06:49 18 was after the fact she had told me, too. That was in
10:06:54 19 January and I was really sick, but I was coming to work
10:06:56 20 anyway because I didn't want any additional -- because I
10:06:59 21 had never been sick since I had been there until then.
10:07:01 22 It was in 2010. And I -- I mean, I had perfect
10:07:05 23 attendance, pretty much.

10:07:07 24 Q. Was there any other -- any other action that
10:07:14 25 occurred in which you are claiming to have been

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10:07:20 1 retaliated against and adversely treated --

10:07:24 2 A. Yes.

10:07:24 3 Q. -- based on Exhibit 1?

10:07:32 4 A. Someone went into the system -- I filed an EEOC

10:07:36 5 suit with internal -- with the company, because of the

10:07:41 6 fact on July the 3rd, when I got ready to leave, my

10:07:45 7 schedule was changed.

10:07:49 8 Q. July 3rd of what year?

10:07:50 9 A. In the system, because of the way they do
10:08:00 10 vacation at the location, they don't want you to be off
10:08:08 11 the entire week a lot of times, so things of that nature
10:08:14 12 go on where they can just go in and change your
10:08:16 13 schedule.

10:08:17 14 And on that date, they went in and changed
10:08:19 15 my schedule on July the 3rd, after my manager had left
10:08:22 16 and most of the people were gone, because I had a late
10:08:26 17 shift. Due to adverse -- mistreatment, I was there that
10:08:36 18 late. So when I got ready to leave that day, it popped
10:08:42 19 up on the system that -- no call/no show.

10:08:48 20 Q. This was for July 3rd?

10:08:50 21 A. Right. And it was on July the 5th -- 5th as a
10:08:56 22 no call/no show, and I'm, like: Why is this -- you
10:09:06 23 know, because something dinged at the bottom of the
10:09:07 24 screen, and at the time I didn't have a call. Usually,
10:09:08 25 the time if there's a ding, you know there's something

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10:09:10 1 there. You can check it out when you get off the phone.
10:09:14 2 So after I got off the phone, I checked it. And it was
10:09:19 3 like probably an hour right before I was supposed to
10:09:20 4 leave to start my vacation.

10:09:22 5 So I looked in the screen and it said: No
10:09:29 6 call/no show. And I, you know, found out from other
10:09:31 7 people that no call/no shows mean that you didn't show
10:09:34 8 up to work, but you were supposed to be there.

10:09:36 9 Q. So this would have been after July 3rd you
10:09:42 10 looked at the screen?

10:09:42 11 A. No. I looked at it July the 3rd.

10:09:45 12 Q. Okay. I guess I don't understand, Ms. Shelton.
10:09:47 13 You said --

10:09:48 14 A. If I was at work on July the 3rd, 2010 --

10:09:51 15 Q. And -- and the system showed you as a no
10:09:54 16 call/no show for July 3rd?

10:09:57 17 A. Right.

10:09:58 18 Q. When you were at work?

10:10:00 19 A. No. On July the 3rd, when I was at work --

10:10:02 20 Q. Yes.

10:10:03 21 A. -- it showed a no call/no show.

10:10:06 22 Q. For a previous day somewhere?

10:10:07 23 A. No. For the next week. In other words, the
10:10:12 24 vacation -- you know, you had to have it in -- you're
10:10:14 25 supposed to have it in there a week in advance, but ours

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10:10:18 1 didn't come out until that Saturday, sometimes not until
10:10:21 2 that Monday, or --

10:10:21 3 Q. Uh-huh.

10:10:23 4 A. I mean, you know, it wouldn't come out till
10:10:25 5 that Friday or Saturday, your week. But then later on,
10:10:28 6 they did start doing a week in advance, so you would
10:10:30 7 know in advance what your schedule would be.

10:10:32 8 Q. Okay.

10:10:32 9 A. But at that time, it came up in the system on
10:10:35 10 that Saturday what my schedule was going to be, and it
10:10:40 11 had a no call/no show. And I'm, like, they're not
10:10:44 12 supposed to do this. This is not -- so I went to my
10:10:48 13 union about it. And when I came back off of vacation,
10:10:58 14 and I said: I went ahead and took off because I didn't
10:11:02 15 have a choice. I had plane tickets, everything, so --

10:11:06 16 Q. Okay.

10:11:08 17 A. But I was upset. And that's when I called
10:11:10 18 EE- -- internal EEOC concerning it because there were
10:11:14 19 other things that were going on, too, that wasn't right.

10:11:16 20 Q. And that's what I want to hear.

10:11:16 21 A. Uh-oh.

10:11:18 22 Q. You said in your original complaint that --
10:11:21 23 that the defendants retaliated against you.

10:11:26 24 A. Yes, they did.

10:11:27 25 Q. And you've been subjected to adverse

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10:11:30 1 treatment --

10:11:30 2 A. Well, I thought --

10:11:30 3 Q. -- as a result of your complaints. Now, I'm
10:11:34 4 trying to figure out what --

10:11:35 5 A. My adverse treatment was me trying to get an
10:11:38 6 approval for something that wasn't even necessary. I
10:11:41 7 was calling the offices. I mean, I was calling --

10:11:41 8 Q. For the -- the STD?

10:11:41 9 A. -- AT&T for the short-term disability.

10:11:44 10 Q. Okay. That's one.

10:11:44 11 A. And they said that they couldn't approve it.
10:11:46 12 And it --

10:11:46 13 Q. Okay.

10:11:47 14 A. You know, and I was going to the doctor and she
10:11:48 15 was saying: This is what I could state because this is
10:11:51 16 what happened, and then, too, I didn't actually treat
10:11:54 17 you. So I had to call the emergency room and have them
10:11:56 18 to call my doctor. I mean, it -- all this was going on
10:11:59 19 for approximately three months for me to get it
10:12:02 20 approved. And then when I finally got it approved, we
10:12:05 21 went into my case concerning the pay raise.

10:12:09 22 Q. Okay. Well, let me stop you before the pay
10:12:10 23 raise, though.

10:12:11 24 A. Okay.

10:12:11 25 Q. When you got it approved, are you saying you

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10:12:15 1 got the three hours?

10:12:15 2 A. I did not get paid, as I stated once before.

10:12:17 3 Q. No? Well, you just said you got it approved.

10:12:19 4 A. I got it approved.

10:12:20 5 Q. I'm trying to figure out what you got approved.

10:12:22 6 A. I got it approved that -- you know, she said I
10:12:25 7 had to get the sickness approved.

10:12:25 8 Q. Uh-huh.

10:12:27 9 A. So once I got it approved, I thought I was
10:12:29 10 going to get paid.

10:12:30 11 Q. Oh, okay. I understand.

10:12:31 12 A. But I didn't get paid.

10:12:32 13 Q. You didn't get paid because there's a waiting
10:12:34 14 time under the contract?

10:12:35 15 A. Right. Under the contract.

10:12:36 16 Q. But you're not disputing that you were not
10:12:39 17 entitled to that; you just didn't -- you weren't gone
10:12:42 18 long enough to get into the paid time.

10:12:45 19 A. But I should have been told that in advance by
10:12:47 20 my union --

10:12:47 21 Q. All right. That's --

10:12:47 22 A. -- or either by AT&T that it was not necessary
10:12:50 23 to get it approved. In other words, they let me go
10:12:53 24 through that, knowing that it would take a long time to
10:12:55 25 do it to me. That's my -- my --

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10:12:58 1 Q. I understand your point.

10:12:59 2 A. Okay.

10:13:03 3 Q. But just so we're clear on that point, you're
10:13:05 4 not claiming that you're entitled to some pay that you
10:13:08 5 didn't get, because, as I understand it, and you just
10:13:11 6 said, you didn't -- you weren't absent enough past the
10:13:17 7 waiting day, so you weren't entitled to any money for
10:13:20 8 your --

10:13:20 9 A. My union --

10:13:21 10 Q. -- your illness in January of 2010, right?

10:13:23 11 A. Right. My union or AT&T could have come to me
10:13:26 12 and let me know that.

10:13:27 13 Q. Okay.

10:13:27 14 A. They could have brought the book to me or
10:13:29 15 something of that nature.

10:13:29 16 Q. And another adverse treatment you're -- you're
10:13:35 17 relying on in this case is that your vacation day was
10:13:38 18 changed to a no call/no show?

10:13:42 19 A. Right. In the week of the next week.

10:13:45 20 Q. But if I understand -- in my research here, I
10:13:51 21 think I saw where you were -- you were allowed to take
10:13:53 22 vacation, nevertheless, for July 3rd.

10:13:58 23 A. Well, I didn't have a choice.

10:13:59 24 Q. But the company gave you vacation, right?

10:14:01 25 A. Right. They ended up -- because I went to the

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10:14:03 1 EEOC. On July the 3rd, 2011, I filed an internal case
10:14:08 2 with AT&T, and I was allowed to go ahead -- or they paid
10:14:12 3 me for the vacation date, but it was a week later.

10:14:15 4 Q. Okay.

10:14:16 5 A. In other words, it didn't come on my check like
10:14:18 6 it was originally supposed to, so that hurt me, too.

10:14:22 7 Q. And you had mentioned in passing, but I just
10:14:25 8 want to make sure whether this is another adverse
10:14:28 9 treatment instance you're talking about --

10:14:32 10 A. Yes.

10:14:32 11 Q. -- working late shifts. Are you saying that
10:14:36 12 your shift selection, your shift assignment was in
10:14:41 13 retaliation for anything?

10:14:45 14 A. Yes, I did.

10:14:46 15 Q. How is that?

10:14:46 16 A. And I gave a big statement on that as well. At
10:14:52 17 the time, one class was coming in. It was approximately
10:14:55 18 30 people in the class. I'm not sure of the exact date,
10:14:58 19 because I don't -- since I don't have all my notes in
10:15:02 20 front of me.

10:15:02 21 A class came in and we had gone through --
10:15:07 22 it wasn't around this time. I think it was the next
10:15:10 23 shift. Again, I'm not sure when the next shift bid was.
10:15:13 24 But they came in and they were assigned to the floor.
10:15:23 25 You know, once you come in, you're assigned to the

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10:15:25 1 floor. At that time, you are able to get a better shift
10:15:28 2 to make sure that your training goes pretty good. But
10:15:32 3 then after that was the next shift bid. The next shift
10:15:35 4 bid is one I'm discussing because of the fact that they
10:15:38 5 were on the floor permanently.

10:15:40 6 Q. Who is "they"?

10:15:41 7 A. The 30 people that were on -- the new hires,
10:15:44 8 the 30 new hires.

10:15:45 9 Q. Okay.

10:15:45 10 A. They went into the shift bid as such as we --
10:15:49 11 to do shift bids. And at that time --

10:15:54 12 Q. And again, I apologize for interrupting, but
10:15:56 13 I'm trying to find out timewise when this -- when this
10:15:59 14 happened.

10:16:00 15 A. I'm not sure. I need to look at my notes on
10:16:02 16 that.

10:16:02 17 Q. Okay. Well, let me -- let me just back up a
10:16:06 18 bit.

10:16:09 19 Shift selection at your company, at AT&T,
10:16:12 20 is done via seniority, correct?

10:16:16 21 A. That's correct.

10:16:20 22 Q. And it's done via -- what I understand to be an
10:16:22 23 automated system in TotalView called -- sometimes
10:16:26 24 abbreviated as IEX?

10:16:29 25 A. Yes, I think it is IEX.

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10:16:31 1 Q. At -- at one point in your career at the
10:16:36 2 company, your center was divided in different groups,
10:16:40 3 like inbound, outbound. And I think each of those
10:16:45 4 groups was on different work schedules.

10:16:49 5 A. It was inbound, outbound, credit and
10:16:52 6 activation, fraud, collections.

10:16:54 7 Q. Right.

10:16:54 8 A. Those --

10:16:55 9 Q. You had different work schedules, correct?
10:16:59 10 Each group had its own way of -- not "way," but it's --
10:17:01 11 there was a work schedule for inbound folks. There was
10:17:05 12 a work schedule for outbound, a work schedule for
10:17:07 13 different groups, right?

10:17:07 14 A. But at the time that this 30 new hires came
10:17:09 15 in --

10:17:09 16 Q. Right.

10:17:10 17 A. -- we were doing inbound and outbound and
10:17:12 18 credit and activations.

10:17:13 19 Q. Got you. So at that time, you were all --

10:17:15 20 A. We should have been all one work group, but we
10:17:18 21 were not.

10:17:18 22 Q. Okay.

10:17:18 23 A. And at the time --

10:17:19 24 Q. Well, let me stop you for a minute.

10:17:22 25 A. Okay.

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10:17:22 1 Q. You were all combined into one --
10:17:24 2 A. Work group.
10:17:25 3 Q. -- one big work group and you all did your --
10:17:28 4 A. No.
10:17:29 5 Q. "No" what?
10:17:30 6 A. Inbound and outbound, they -- they tried to
10:17:34 7 keep us inbound, outbound -- well, they had stopped
10:17:37 8 credit and activation, so it was just inbound, outbound.
10:17:41 9 At the time the new 30 new hires came in --
10:17:44 10 Q. Right. This was when again? I'm not looking
10:17:48 11 for an exact --
10:17:50 12 A. When they were hired.
10:17:54 13 Q. 2011? 2010? 2009?
10:17:57 14 A. In -- in '10, 2010.
10:18:00 15 Q. Okay.
10:18:00 16 A. But I did ask or suggest that I could take --
10:18:06 17 you know, why shouldn't I be able to bid inbound or
10:18:10 18 outbound at that time since I was been doing -- doing a
10:18:13 19 dual duty.
10:18:14 20 Q. Okay.
10:18:14 21 A. Because I would go to my desk and someone would
10:18:17 22 tell me --
10:18:17 23 Q. Uh-huh.
10:18:18 24 A. -- to go outbound.
10:18:19 25 Q. Uh-huh. But you were -- you were assigned,

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10:18:21 1 though --
10:18:21 2 A. To inbound.
10:18:22 3 Q. -- to inbound?
10:18:23 4 A. Right.
10:18:23 5 Q. So your shift selection was done within the
10:18:27 6 inbound work group, correct?
10:18:29 7 A. Yes.
10:18:29 8 Q. Okay. You're saying: Because I did other
10:18:32 9 duties, such as outbound, I should have been able to --
10:18:36 10 to pick shifts.
10:18:39 11 A. Not just me. I felt like everybody in that
10:18:41 12 building should have had the opportunity to -- at that
10:18:44 13 time to shift bid as a group, because we were a group.
10:18:49 14 Q. So this was happening to other people?
10:18:50 15 A. Yes.
10:18:51 16 Q. Okay.
10:18:54 17 A. And that's the reason I felt like -- I mean
10:18:59 18 that whole inbound felt the same way I did, but it
10:19:02 19 didn't happen that way. It later on did, but at the
10:19:05 20 beginning, it didn't happen that way, because at the
10:19:08 21 time, outbound was off on Saturdays; inbound was not off
10:19:13 22 on Saturdays. So you automatically got a better
10:19:16 23 shift -- I mean, there were people there five and six
10:19:18 24 and seven years begging to be off on Saturdays --
10:19:18 25 Q. Uh-huh.

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10:19:21 1 A. -- but they didn't get that opportunity. That
10:19:23 2 was --

10:19:24 3 Q. That was the product of their being in a
10:19:27 4 different work group?

10:19:28 5 A. Well, it was being in -- well, it's not -- they
10:19:30 6 were in the work group because of the fact that we were
10:19:32 7 doing inbound and outbound, but that wasn't offered to
10:19:36 8 us. I feel like that that was a retali- -- I mean, to
10:19:41 9 me, it was retaliation to me, because I was going
10:19:45 10 through my case. I don't know how the other people
10:19:47 11 felt, but I know they were very angry about it, having
10:19:50 12 to work Saturdays, and a lot of people did complain
10:19:52 13 about outbound not having to work Saturdays.

10:19:54 14 Later on, they were sent to outbound just
10:20:01 15 like they didn't have to work Saturdays or Sundays.

10:20:04 16 Outbound didn't have to work Saturdays or Sundays when I
10:20:06 17 first hired, but inbound had to work Saturdays.

10:20:13 18 Q. Any other activities or actions that you are
10:20:17 19 saying in Defendants' Exhibit 1, your original
10:20:22 20 complaint, that you considered adverse treatment or
10:20:25 21 retaliation?

10:20:27 22 A. It -- it kept going. In other words, I went
10:20:29 23 into my system again about my vacation. I had asked off
10:20:36 24 to be off on the -- another time for vacation, and since
10:20:43 25 I didn't get the day, I -- you know, I know -- well, it

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10:20:49 1 didn't show up in the system. Just forgot it, then,
10:20:55 2 because --

10:21:00 3 Q. I'm just trying to find out: Are you -- in the
10:21:03 4 first -- the first vacation issue, you said a day was
10:21:06 5 changed, but you later said that you --

10:21:10 6 A. Because I filed the EEOC.

10:21:13 7 Q. -- you took off that -- you took off that day.

10:21:15 8 A. Well, I didn't have a choice because I had
10:21:16 9 tickets.

10:21:16 10 Q. Okay. But you -- you took off that day and you
10:21:17 11 were paid for that day. I'm trying to figure out if
10:21:20 12 there's any other vacation issue where you're either
10:21:23 13 saying I didn't get vacation or you didn't get paid.

10:21:26 14 A. My manager had wrote up a complete reprimand
10:21:28 15 for me. When I came back on -- from vacation, Sherry
10:21:34 16 Rea had wrote up a complete reprimand.

10:21:37 17 Q. For the July 3rd issue?

10:21:38 18 A. Right.

10:21:38 19 Q. Okay.

10:21:39 20 A. In 2010.

10:21:40 21 Q. But that never -- she wrote it up, but it never
10:21:43 22 applied to you, right?

10:21:46 23 A. It -- well, I told her I was going to file a
10:21:47 24 grievance on it, and it disappeared for some reason.

10:21:50 25 Q. Okay.

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10:21:51 1 A. And I was eventually paid.

10:21:53 2 Q. You weren't reprimanded? You were not
10:21:55 3 reprimanded?

10:21:55 4 A. Well, I wasn't reprimanded, but the fact that I
10:21:57 5 came in from vacation, that was retaliation. To me, it
10:22:01 6 was, because she shouldn't have never done it if it
10:22:03 7 wasn't right.

10:22:04 8 Q. Any other vacation issues, though, that -- that
10:22:06 9 you can give me specifics about today?

10:22:08 10 A. When we did our shift bid, there was a vacation
10:22:11 11 issue.

10:22:11 12 Q. What was that issue?

10:22:13 13 A. It was an issue with my vacation, days
10:22:42 14 disappearing out of the system. In other words, I had
10:22:45 15 asked off for a day -- because really, on July the 4th
10:22:48 16 every year, I would take my vacation, or if possible,
10:22:52 17 try to make that my first shift bid for my mother,
10:22:55 18 because I would go home to my mother, a 97-year-old.
10:22:59 19 That was my week, because I knew every year around that
10:23:00 20 time -- that was her birthday. And I wanted to be home
10:23:03 21 on her birthday, to help her celebrate her birthday,
10:23:03 22 because her birthdays was very important to me.

10:23:06 23 Q. Your mother's birthday is July --

10:23:08 24 A. The 4th.

10:23:09 25 Q. -- the 4th? Okay.

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10:23:11 1 A. So I had scheduled to be off that week, and
10:23:14 2 information disappeared out of the system for some
10:23:17 3 reason the day that my -- I had asked for that vacation
10:23:21 4 day off. And I'm like: How can it disappear? I've got
10:23:25 5 copies of this where I asked for this, but for something
10:23:29 6 to disappear the week -- that Friday before you get
10:23:34 7 ready to go on vacation, it bothers me. I mean --

10:23:39 8 Q. Did you go on vacation?

10:23:40 9 A. Yes, I did, because --

10:23:40 10 Q. Were you --

10:23:42 11 A. -- like I said, I said: I'm not going to
10:23:45 12 not -- and I told my manager the previous time when it
10:23:48 13 happened: I'm not going to not go on vacation when the
10:23:51 14 system does this.

10:23:52 15 Q. So this was --

10:23:53 16 A. The second time.

10:23:54 17 Q. -- this was a year later?

10:23:55 18 A. No. It was a few months -- yeah, a year later.

10:23:58 19 Okay. Yes.

10:23:59 20 Q. Were you -- so you went on vacation?

10:24:02 21 A. I went on vacation.

10:24:03 22 Q. Were you paid for that vacation?

10:24:04 23 A. Yes.

10:24:04 24 Q. So you weren't denied vacation?

10:24:07 25 A. But it delayed my pay again. I mean, it

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10:24:09 1 delayed my pay. Each time these happen, it delayed my
10:24:13 2 pay, and I mean, I feel like that's adverse --
10:24:13 3 Q. How --
10:24:16 4 A. -- no reason for it happening.
10:24:17 5 Q. How much delay, Ms. Shelton?
10:24:19 6 A. A week. One of them was two weeks.
10:24:22 7 Q. Okay. But --
10:24:22 8 A. The first time, I think it was approximately
10:24:24 9 two weeks. The second time was a week.
10:24:26 10 Q. Were you --
10:24:26 11 A. Well, the next pay period, because we get paid
10:24:29 12 every two weeks.
10:24:30 13 Q. Right. Were you ultimately paid, though,
10:24:32 14 for --
10:24:32 15 A. Yes.
10:24:32 16 Q. -- the second?
10:24:33 17 A. That's because I filed the EEOC.
10:24:35 18 Q. Okay. Anything else that -- that you consider
10:24:38 19 adverse treatment that you are referencing in Exhibit 1,
10:24:46 20 your original complaint?
10:24:46 21 A. Not at this time, that I can remember.
10:24:49 22 Q. Let me give you now Defendants' Exhibit 2.
10:25:02 23 This is a supplement you filed in the case, a supplement
10:25:05 24 to your complaint, dated May 25, 2011, correct?
10:25:12 25 A. Yes.

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10:28:28 1 the fifth page, which is your -- your charge with the
10:28:30 2 EEOC -- you're there -- my question to you is: In the
10:28:36 3 middle, it says: Respondent's reason for adverse
10:28:40 4 action. And it states: Issued warnings and discharged
10:28:47 5 because I was accused of failing to meet stats.

10:28:50 6 Are you disputing today that you did not
10:28:53 7 meet the stats referenced above, the written warnings?

10:28:59 8 A. I wasn't -- I'm not disputing that. I was --
10:29:03 9 everybody in that location was failing their stats,
10:29:06 10 because they had come out with a new whole training and
10:29:09 11 we were all failing our stats. We had tried to talk to
10:29:12 12 our managers about the new change of our stats, but
10:29:16 13 nothing was done. So when everybody started failing
10:29:20 14 their stats, they were aware of that. Right now, they
10:29:24 15 no longer have those stats available. They don't use
10:29:26 16 those stats anymore.

10:29:29 17 Q. Okay.

10:29:29 18 A. So they knew that they weren't working because
10:29:31 19 right -- the week before I was supposed to go on
10:29:33 20 vacation, I was yanked out of my class, because it
10:29:37 21 wasn't something that was scheduled, and I came to the
10:29:40 22 first meeting late because of the fact they just yanked
10:29:47 23 me into a class that they had set up at the last minute
10:29:50 24 to try to train us to correct our stats. The first day
10:29:55 25 that I was in training, I failed my first call, which

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10:29:58 1 made me fail for the month, and they were aware of that.

10:30:02 2 Also, I was written up because of the fact
10:30:09 3 I had failed my next quarter. I mean, you know, my next
10:30:15 4 chance of being -- having the chance to even -- because
10:30:19 5 that was the beginning of the new month -- I mean,
10:30:22 6 ending of the month.

10:30:23 7 Q. Uh-huh.

10:30:24 8 A. But after that, I made two 100s. I mean, I'm
10:30:27 9 sitting in the -- in the classroom where I have a
10:30:32 10 earpiece in my ear, someone is telling me exactly what
10:30:35 11 to say, and I'm in training. I thought training wasn't
10:30:40 12 supposed to be counted, but it was. And that's what
10:30:48 13 bothered me. Not only that, but it counted against me,
10:30:52 14 which dropped my scores tremendously. If you'll notice,
10:30:55 15 most of my scores was high. I brought in 99,000 a month
10:30:59 16 in -- I mean, in collections, even though I wasn't in
10:31:02 17 collections, just on customer service. I mean, I would
10:31:07 18 take payments from people at that time.

10:31:10 19 Q. When you say you failed -- or weren't making
10:31:17 20 stats at the company, your job, and -- you and all the
10:31:22 21 other customer service reps were evaluated monthly on
10:31:26 22 your -- on your call handling, correct?

10:31:30 23 A. Right. With the call handling, I think it was
10:31:35 24 very objective, because of the fact it could be the tone
10:31:37 25 in your voice, it could be the tone of how the customer

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10:31:43 1 calls in, like if a customer call in and they're angry
10:31:47 2 with AT&T, un- -- you know, it could be just or unjust.
10:31:51 3 It just depended on what the customer feel. And in a --
10:31:55 4 how they feel, really --

10:31:58 5 Q. Yeah.

10:31:58 6 A. -- at the time the call goes on.

10:32:00 7 Q. But everyone is evaluated the same --

10:32:03 8 A. No.

10:32:03 9 Q. -- on the same basis, though, right?

10:32:04 10 A. No, because the person who -- I feel like the
10:32:06 11 person who grades the call --

10:32:06 12 Q. Uh-huh.

10:32:08 13 A. -- it just depends on the person who is grading
10:32:10 14 the call. And you had different people grading the
10:32:12 15 calls. To them, I may have a bad voice because I had a
10:32:19 16 person that was sitting next to me that was -- and
10:32:23 17 there's no offense -- that was of a different
10:32:27 18 denomination [sic] and, you know, it just depend, and
10:32:31 19 because at that time, it was just the tone of her voice
10:32:37 20 and the way she talks. And she got low scores.

10:32:40 21 Q. Well, let me ask, though: I -- I understood
10:32:44 22 that you're evaluated primarily on -- on the quality of
10:32:52 23 your call. I think it's called QA.

10:32:55 24 A. Uh-huh.

10:32:55 25 Q. And what's called a PCS or a post call survey?

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10:33:02 1 A. Uh-huh.

10:33:02 2 Q. Correct?

10:33:03 3 A. And that's just how the people feel about AT&T.

10:33:06 4 To me, that's objective, because a lot of people that

10:33:08 5 called in were angry.

10:33:10 6 Q. I'm going to ask --

10:33:11 7 A. You're not going to call me until you're angry

10:33:13 8 or mad about something that's wrong on your bill.

10:33:17 9 90 percent of those calls, I would say most people were

10:33:19 10 angry with AT&T or a situation that was going on,

10:33:23 11 because several people told me: I'm going to sue AT&T.

10:33:27 12 I'm going to sue AT&T. You know, it's just crazy.

10:33:29 13 Q. But you scored -- there were many times when

10:33:33 14 you scored five out of five.

10:33:36 15 A. Because you had to tone them down.

10:33:36 16 Q. Okay.

10:33:37 17 A. You had to sit there and actually --

10:33:39 18 Q. But you could --

10:33:40 19 A. But not all the time. Not every call.

10:33:43 20 Q. But you could do that, though, Ms. Shelton,

10:33:46 21 right?

10:33:46 22 A. Right. I could tone people down, but you're

10:33:50 23 not going to do it all the time. So there's not going

10:33:52 24 to be a month that you're not going to fail. As a good

10:33:55 25 agent. I mean, you could be one of the best

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10:33:58 1 agents in the company and still fail a call because of a
10:34:03 2 misaction of the customer or what you said to the
10:34:05 3 customer trying to be nice or give them, you know,
10:34:09 4 things to try to satisfy them.

10:34:11 5 Q. The -- the post call survey, or PCS, that's
10:34:16 6 kind of the report card from the customer, right?

10:34:19 7 A. It's the report card from the customer, but in
10:34:22 8 that PC- -- it also grades how AT&T is doing overall.

10:34:31 9 Q. Are -- are you okay? Do you want to take a
10:34:34 10 break? We're still talking about this performance
10:34:36 11 evaluation.

10:34:38 12 A. Yes, I can take a break.

10:34:40 13 Q. Okay.

10:34:40 14 A. I could just sit here because I am getting a
10:34:43 15 little frustrated. He knows it.

10:34:52 16 MR. BOURGEACQ: All right. Break time.

10:34:53 17 (A recess was taken from

10:34:53 18 10:34 a.m. to 10:46 a.m.)

10:46:07 19 Q. (By Mr. Bourgeacq) Ms. Shelton, we're back
10:46:08 20 from the break. And when we broke, we were talking a
10:46:11 21 little bit about performance management, meeting stats,
10:46:17 22 that type of -- that subject area. My follow-up
10:46:20 23 question there is: You're evaluated, on the one hand,
10:46:25 24 by -- by the customer via PCS scores, and then the other
10:46:31 25 evaluation, I think, is on your call handling, which is

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10:46:35 1 your quality aspect, correct?

10:46:38 2 A. Yes.

10:46:39 3 Q. And do you know -- it's true, isn't it, that
10:46:45 4 your calls are evaluated by some third -- third person,
10:46:50 5 third party outside the center, right?

10:46:52 6 A. That's correct.

10:46:52 7 Q. And is that true for all the -- all your fellow
10:46:59 8 agents at that time, too? They were all evaluated the
10:47:02 9 same way as you?

10:47:03 10 A. That's correct. That's the reason a lot of us
10:47:06 11 was failing our calls at that time. I mean, it was
10:47:09 12 something that was a different changeover, but we were
10:47:10 13 having a problem with some of our best agents failing
10:47:15 14 calls because of that change. And we were trying to
10:47:18 15 straighten that out, but they did come to a conclusion
10:47:21 16 after I left -- after I was terminated.

10:47:24 17 Q. The changeover you're talking about was at the
10:47:30 18 beginning of 2011, the scoring or evaluation system was
10:47:36 19 adjusted a bit to combine quality and PCS scores into a
10:47:41 20 blended score, was it not, if you remember?

10:47:48 21 I tell you what. Let me ask you: How did
10:47:50 22 they change the performance management system? I think
10:47:52 23 I may have misstated it a bit, but I'm aware there was a
10:47:55 24 change, too.

10:47:56 25 A. There was quite a bit of change, because some

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11:00:59 1 Q. Understood. But I just want to -- what I'm
11:01:01 2 trying to do is just understand what -- what issues are
11:01:04 3 in or not in dispute here.

11:01:09 4 So the record is clear, the raises that
11:01:14 5 you get, the progression raises and the annual contract
11:01:19 6 anniversary, the across-the-board union raise, you got
11:01:24 7 all those.

11:01:25 8 A. That's correct.

11:01:27 9 Q. Okay.

11:01:27 10 A. But in the -- to confirm [sic] even matters
11:01:33 11 more, the union decide to give me two raises at one time
11:01:36 12 in April or March -- I'm not sure; it should be in
11:01:39 13 here -- to bring my rate up to my opponent.

11:01:44 14 Q. Show me that, because I was going to ask you
11:01:46 15 about it. I have a question whether the union can give
11:01:49 16 you a raise since really you work for the company,
11:01:52 17 right?

11:01:52 18 A. Well, that's what I'm saying. They told me
11:01:54 19 when I went to a meeting that they gave me those raises.
11:01:57 20 And I work for AT&T, so that bothered me. So that's the
11:02:00 21 reason I did write up something about that.

11:02:02 22 Q. And we might -- we might actually see that in
11:02:05 23 here somewhere.

11:02:08 24 A. And it bothered me for them to -- to give me a
11:02:14 25 raise without going through the A- --

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11:12:39 1 amounts, and I was paid the next pay period, so I had to
11:12:43 2 wait an additional two weeks to get paid.

11:12:47 3 Q. At the bottom of Page 32, that's your
11:12:50 4 signature, right?

11:12:51 5 A. That's correct. I faxed that information. She
11:12:55 6 told me to either fax it --

11:12:56 7 Q. Okay.

11:12:56 8 A. -- or mail it to her, so I faxed it to her.

11:12:58 9 Q. That's what I was asking.

11:13:00 10 A. And that's the reason I signed it at the
11:13:02 11 bottom.

11:13:02 12 Q. Still on that page, it says: In closing, I
11:13:05 13 want it to be known that even after I filed this EEO,
11:13:09 14 someone was -- someone still went into my IEX and
11:13:12 15 changed my day off.

11:13:13 16 Are you saying -- I mean, that's the
11:13:15 17 inference I get is: Before you filed this EEO, before
11:13:20 18 you complained to the company, the stuff that you're
11:13:24 19 talking about was going on.

11:13:26 20 A. Right. It continued even after this. That's
11:13:28 21 the reason I was really -- I mean, it made me feel like:
11:13:33 22 Hey, is something wrong with me or what's going on? Why
11:13:36 23 are these changes continuing to be done to me as an
11:13:40 24 individual? I mean, I took it personal then, very
11:13:43 25 personal. I mean, you -- I know there's errors and

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11:27:17 1 Q. Ms. Shelton, Page 48 is an e-mail to you and
11:27:20 2 several other people, dated August 21, 2010 from
11:27:24 3 Workforce Management. First of all, who is Workforce
11:27:30 4 Management?

11:27:30 5 A. Workforce Management is the people who put our
11:27:34 6 dates in the system for vacation and things of that
11:27:37 7 nature.

11:27:37 8 Q. Okay.

11:27:37 9 A. They also act, I think, as assistant managers
11:27:41 10 when the managers is not there or something, and they go
11:27:43 11 in and set schedules and change schedules and things of
11:27:47 12 that nature as well.

11:27:51 13 Q. This e-mail is telling you and your -- I assume
11:27:54 14 these are all co-workers of yours.

11:27:56 15 A. These are all my co-workers.

11:27:58 16 Q. Okay. And what is the e-mail telling you all?

11:28:00 17 A. It is telling us to come out of inbound and go
11:28:03 18 into outbound.

11:28:04 19 Q. Okay. The purpose of your presenting this
11:28:08 20 e-mail to us is -- is what? What does this show?

11:28:12 21 A. The fact that they were using us inbound and
11:28:15 22 outbound, as I had said, but yet -- and still, when we
11:28:22 23 got ready to do our vacations and sick times --

11:28:22 24 Q. Uh-huh.

11:28:27 25 A. -- and anything else, we were done -- not

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11:38:03 1 that you provided to the National Labor Relations Board,
11:38:10 2 correct?

11:38:10 3 A. That is correct.

11:38:18 4 Q. Okay. On the top of Page 2, you refer to
11:38:22 5 overhearing a conversation with Sherry Hardeman --

11:38:26 6 A. That is correct. And it was --

11:38:27 7 Q. -- and Leticia Beckworth.

11:38:29 8 A. That is correct.

11:38:30 9 Q. And that relates to the conversation that you
11:38:32 10 had testified to earlier today?

11:38:33 11 A. That is correct.

11:38:36 12 Q. And if I asked you this already, I apologize:
11:38:40 13 Do you know how -- how old Leticia Beckworth was? Was
11:38:43 14 she over 40, to your knowledge?

11:38:48 15 A. I'm not sure. I would like for the record to
11:39:03 16 know that I only went to the EEOC because of the simple
11:39:09 17 fact I had filed my grievance within the company in
11:39:12 18 February and let them know what was going on with my
11:39:14 19 pay.

11:39:15 20 Q. February of when?

11:39:20 21 A. 2010.

11:39:22 22 Q. Okay.

11:39:23 23 A. After that, I went and filed another grievance
11:39:25 24 with my union in August. Well, they didn't tell me to
11:39:29 25 go to my union. I went through all this riffraff with

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12:14:20 1 of these e-mails have the name Diego Pena on there.
12:14:23 2 He's an attorney within the company, so it's -- you
12:14:25 3 probably won't recognize that, but I want to talk to
12:14:28 4 you, then, about this e-mail exchange between
12:14:33 5 Ms. Stinemetz and you and Sherry Rea.

12:14:39 6 In the middle there, Monday, July 12,
12:14:42 7 2010, you're advised that: We did some research, and it
12:14:45 8 appears that when you first request the time off for
12:14:47 9 that week, you didn't request off for Monday, July 5th.
12:14:51 10 We have gone ahead and changed the coding to a holiday
12:14:54 11 and have updated it.

12:14:56 12 So two things here: It appears that
12:15:01 13 management looked into the July 5th issue in 2010 and
12:15:08 14 found that you didn't request that date off, for
12:15:11 15 whatever reason. I mean, it could have been an
12:15:12 16 accident. It could have been whatever. But they went
12:15:16 17 ahead and fixed it, right?

12:15:18 18 A. Yes, they did.

12:15:19 19 Q. Okay.

12:15:20 20 A. But you've got to take -- let me explain that.

12:15:22 21 Q. Okay.

12:15:22 22 A. I could have asked off for July the 5th because
12:15:28 23 someone had that day. According to their policy,
12:15:31 24 someone can release the date. They may not want to use
12:15:33 25 that as their vacation time.

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12:16:30 1 correct?

12:16:31 2 A. That's correct, but you don't have to do all of
12:16:33 3 it at that time.

12:16:33 4 Q. No, I understand. So around November,
12:16:37 5 December -- probably November, if it's like many of our
12:16:41 6 companies, you're allowed to select, I think, first, the
12:16:45 7 entire week at a time, right?

12:16:49 8 A. That's correct.

12:16:49 9 Q. By seniority, right?

12:16:50 10 A. By seniority.

12:16:51 11 Q. And then once all the weeks have been -- have
12:16:54 12 been selected, then you get to do what? A day at a
12:16:57 13 time?

12:16:58 14 A. Yes.

12:16:59 15 Q. Okay.

12:16:59 16 A. But I questioned by the week. I mean, I
12:17:02 17 questioned vacation altogether, and so has other
12:17:05 18 employees within the company.

12:17:06 19 Q. Why?

12:17:07 20 A. It's not by seniority. It's by shift bid, and
12:17:11 21 that's what bothers a lot of us. You're bidding
12:17:14 22 regardless, because of the simple reason you could -- if
12:17:18 23 they did it by seniority --

12:17:20 24 Q. Uh-huh.

12:17:21 25 A. -- you should be able to go into a room -- I

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12:17:25 1 don't care if it's 2000 people -- and if you did it
12:17:28 2 strictly by seniority, go into a room, get approved. I
12:17:34 3 mean, if it's -- okay. In other words, you have 75 -- I
12:17:39 4 mean, we've had as many as 85 shift bids, of different
12:17:46 5 shift bids that you are going to bid for.

12:17:46 6 Q. Uh-huh.

12:17:48 7 A. The first 85 should get what they want,
12:17:50 8 regardless. That's not true in this bidding.

12:17:55 9 Q. Okay.

12:17:55 10 A. That bothers a lot of us.

12:17:56 11 Q. But you're -- you're talking about shift
12:17:59 12 bidding.

12:18:00 13 A. Correct.

12:18:00 14 Q. And I'm talking about vacation. That's two
12:18:03 15 different --

12:18:03 16 A. Vacation and shift bidding, you -- you bid on
12:18:06 17 your vacation. In other words --

12:18:07 18 Q. I understand, but --

12:18:08 19 A. -- when you go and bid on your vacation --

12:18:08 20 Q. Right.

12:18:11 21 A. -- and if I ask for something --

12:18:12 22 Q. Uh-huh.

12:18:13 23 A. -- right, and I was the top 85, there shouldn't
12:18:17 24 be any reason for me not to get what I want, but certain
12:18:21 25 people still did not get what they want, even though we

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12:33:43 1 indicates five different dates, which I think those are
12:33:48 2 the dates that you are telling her someone went in and
12:33:50 3 changed; is that right?

12:33:56 4 A. Those look like dates that were changed. I
12:33:58 5 mean, some of them were changed.

12:33:59 6 Q. Okay.

12:33:59 7 A. But I don't remember this e-mail from K.J.
12:34:00 8 Johnson.

12:34:00 9 Q. Okay.

12:34:01 10 A. I did get an e-mail from Ms. Steinman, but I
12:34:04 11 did not get one from K.J. Johnson.

12:34:04 12 Q. Well, when you say you say you got an e-mail
12:34:07 13 from Ms. Stinemetz, would that --

12:34:07 14 A. Well, she had --

12:34:09 15 Q. -- e-mail have this same info?

12:34:10 16 A. Well, not exactly, because I don't remember the
12:34:13 17 dates above it. She didn't -- those dates above it was
12:34:16 18 not in it.

12:34:18 19 Q. Okay. Well, let's talk about this, though. So
12:34:19 20 there's -- there are five dates -- well, there's five
12:34:24 21 lines of dates there.

12:34:24 22 A. Uh-huh.

12:34:25 23 Q. So you were questioning --

12:34:26 24 A. Now, I did get this -- the raise.

12:34:29 25 Q. Well, I want to -- stay with me now.

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12:34:32 1 A. Okay.

12:34:32 2 Q. Let's talk about these dates. You were --

12:34:36 3 these were all days off or holidays, correct, that you
12:34:39 4 were -- you were having issue with the company doing
12:34:42 5 something, right?

12:34:45 6 A. Yes, that's correct.

12:34:47 7 Q. And you had -- you had these days off, correct?

12:34:56 8 A. Eventually, they were corrected. They were
12:34:58 9 corrected. That's the difference in the pay, because I
12:35:01 10 didn't get paid those weeks. I had to wait a week or
12:35:04 11 two weeks to get paid.

12:35:05 12 Q. But you were --

12:35:06 13 A. Eventually paid.

12:35:07 14 Q. According to this, you were paid.

12:35:07 15 A. Eventually. That's correct.

12:35:09 16 Q. Then looking at the next paragraph, Ms. Johnson
12:35:14 17 says: Looking at the union contract and the scale, your
12:35:18 18 paychecks match correctly with the step raises, and she
12:35:21 19 covers all your progression raises there, correct?

12:35:29 20 A. Now, if this is dated July the 29th, it bothers
12:35:33 21 me.

12:35:33 22 Q. Why?

12:35:34 23 A. Because I didn't give her a response until
12:35:37 24 August.

12:35:37 25 Q. Okay. You didn't --

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12:35:37 1 A. I gave her --
12:35:40 2 Q. -- give her --
12:35:40 3 A. I didn't give her a response to the questions
12:35:44 4 even down until August the 29th. This is dated July the
12:35:48 5 29th. I had to respond back to her in August.
12:35:51 6 Q. Uh-huh.
12:35:51 7 A. So this had to be sent before she even got my
12:35:54 8 information.
12:35:54 9 Q. But we already -- management already knew
12:35:57 10 that -- that you had some issues with pay raises, with
12:36:05 11 certain vacation --
12:36:05 12 A. She told me she wasn't even going to handle the
12:36:11 13 case until she got the response from me. So to my
12:36:13 14 understanding, she didn't have anything when I spoke to
12:36:16 15 her.
12:36:16 16 Q. Okay.
12:36:22 17 A. So I'm wondering -- I mean, it bothers me, too,
12:36:25 18 because I spoke to her and it was due in August the
12:36:27 19 29th.
12:36:27 20 Q. Uh-huh.
12:36:28 21 A. But then this e-mail came out July the 29th.
12:36:32 22 That bothers me.
12:36:35 23 Q. Well, could she have been doing some homework,
12:36:37 24 so to speak, to help you focus on --
12:36:38 25 A. She told me she would give me a response after

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13:56:14 1 let me finish reading.

13:56:15 2 Q. Well, just some basic questions: Did you have
13:56:19 3 a -- or recall a meeting with Ms. Hampton in March of
13:56:23 4 2011 to discuss, among other things, how to -- how to do
13:56:31 5 work shift bids?

13:56:32 6 A. Okay. The purpose of this meeting is because
13:56:35 7 they give you about 30 minutes to do a shift bid on
13:56:43 8 80-some calls -- 80-some shifts. This is how much time
13:56:45 9 you get. They give you anywhere from 30, and then
13:56:50 10 sometimes, when I kept complaining, they eventually just
13:56:53 11 let me go until I finished it. But when I first went
13:56:57 12 in, you would actually have to take it home. This is
13:56:59 13 work that you had to take home and do, and a lot of
13:57:03 14 people did it. It was a lot of people that took it home
13:57:05 15 and did it.

13:57:05 16 Q. So it wasn't just -- just --

13:57:08 17 A. Just me doing it.

13:57:09 18 Q. -- Guerivace Shelton.

13:57:09 19 A. This was --

13:57:11 20 Q. I mean, everybody in the office --

13:57:11 21 A. They would do it at home.

13:57:13 22 Q. -- had to pick shifts the same way, right?

13:57:16 23 A. Yes. But what I'm saying, on these shifts, and
13:57:19 24 the reason I asked for extra time is because I say:
13:57:22 25 Wait a minute. I have to actually take this home to

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13:57:24 1 organize this the way they send it to me or the way it's
13:57:29 2 sent out. If they would just send one sheet out in
13:57:33 3 number -- I mean, I know it's different ways people want
13:57:36 4 their days off.

13:57:37 5 Q. Right.

13:57:37 6 A. But to go through 85, you could accidentally
13:57:41 7 put something in the wrong place. If it was by
13:57:46 8 seniority, I don't -- like I said before: You were
13:57:50 9 shift bidding. You were not being done by seniority
13:57:58 10 with AT&T. You were bidding for a shift, which you
13:58:01 11 shouldn't have had to. Because of your seniority, you
13:58:03 12 come in and tell them, the first 85 people -- was it
13:58:06 13 85 -- tell them what you want. You don't know till a
13:58:09 14 week later what you got. I mean, if we put it in the
13:58:15 15 system, it should come out right out to us. Instead,
13:58:18 16 it's held for a week. Why? If you're putting it in the
13:58:21 17 system --

13:58:21 18 Q. Uh-huh.

13:58:21 19 A. -- when I put it in the system, it should come
13:58:23 20 right back to me, telling me, because it's in the
13:58:25 21 system, or it should come -- they give us a week and the
13:58:28 22 deadline is for everybody. That deadline is for
13:58:32 23 everybody.

13:58:32 24 Q. Okay.

13:58:32 25 A. If I put it in by that Friday, when the shift

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13:58:35 1 bids is over, I should get something -- I mean, the
13:58:38 2 computer is not going to lie. But it doesn't matter --
13:58:42 3 you don't know what's being done if it's held out a week
13:58:45 4 for corrections. Why is it held out a week for
13:58:48 5 corrections? And that bothered me. So that's the
13:58:51 6 reason I said: Hey, since I kept getting bad shifts,
13:58:55 7 could somebody assist me because it's going to take me
13:58:59 8 more than 35 minutes to decipher 85 shifts.

13:59:02 9 Q. And you've said a lot of things in your answer,
13:59:04 10 so let me try to re- -- re-cover some of the -- of the
13:59:10 11 things you said.

13:59:11 12 You say initially, you had 30 minutes to
13:59:15 13 do this, but I think you -- you said -- and I -- I've
13:59:18 14 read somewhere in the notes, too -- that at some point,
13:59:22 15 management gave you a couple of hours or more to do your
13:59:26 16 shift bid, right?

13:59:27 17 A. Yeah, because it takes that long. Unless you
13:59:30 18 take it home to work on it, it's going to take you more
13:59:32 19 than 30 minutes. And AT&T and the union both knows
13:59:36 20 that, because you're shift bidding. And the least
13:59:39 21 little thing you do could screw your whole shift bid up
13:59:41 22 because it's a bid and not a seniority.

13:59:44 23 Q. The shift -- the shift selection process is the
13:59:50 24 same for all co-workers, right?

13:59:51 25 A. And that's the reason I did complain about

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13:59:54 1 that, and it wasn't just for me, because I knew that we
13:59:58 2 were all having problems with that, because there's
14:00:00 3 people had been there five and six years still on
14:00:02 4 Saturdays, some people as much as 8 years. And it's not
14:00:06 5 because they want to, some of them, because I've talked
14:00:08 6 to some of them. I had talked about my shift because I
14:00:11 7 said: Okay. But it wasn't a long discussion, but I
14:00:16 8 mean, it's just -- I said: Okay. Just forget it. I'm
14:00:19 9 just going to ask them to help me.

14:00:20 10 Q. But based on what you said, Ms. Shelton, it
14:00:23 11 seems like the -- the concerns or problems you had with
14:00:26 12 the shift selection process existed months, if not
14:00:34 13 years, before you ever went to the EEOC.

14:00:38 14 A. That's correct. I didn't know -- like I told
14:00:45 15 you, I didn't know my rights totally to the union
14:00:48 16 because it's just a piece of paper. You sign here, get
14:00:50 17 into the system. I think that -- that to -- well, my
14:00:52 18 opinion, the least you know, the better, because they
14:00:54 19 could screw you over. That's the way I looked at it, or
14:00:57 20 do as they please.

14:01:02 21 To me, if they would explain things a
14:01:03 22 little bit more or give you a session to discussion
14:01:06 23 things before you're hired and what's your rights and
14:01:08 24 what's not your rights and what you can do until you get
14:01:11 25 in trouble; once you get in trouble, you're pretty much

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14:24:59 1 Q. -- and that type. Is that what you're saying
14:25:01 2 is --

14:25:01 3 A. That's what I was saying, because some things,
14:25:05 4 I didn't go into it because it was so long back, because
14:25:08 5 I did go back on some of my other checks and seen it,
14:25:10 6 but I'm saying it -- I mean, it's ridiculous that I had
14:25:14 7 to sit there. And I think when they came out in January
14:25:17 8 with the new system, that was supposed to correct all
14:25:19 9 that stuff.

14:25:21 10 Q. Okay. With regard to this claim, though, that
14:25:24 11 you say: Specifically, I have been denied overtime pay,
14:25:28 12 is that still -- are you still claiming today that
14:25:31 13 you've been denied overtime pay?

14:25:33 14 A. In other words, the pay? No --

14:25:36 15 Q. Okay.

14:25:36 16 A. -- because those things were adjusted now, and
14:25:39 17 that was before some of the things were adjusted. You
14:25:41 18 see what I'm saying?

14:25:41 19 Q. Uh-huh.

14:25:42 20 A. I filed that in February.

14:25:43 21 Q. Thanks. You clarified that.

14:25:45 22 And then when you say: My hours worked
14:25:47 23 and approved days off have been manipulated and changed,
14:25:50 24 we've been talking about that all throughout.

14:25:53 25 A. And it was.

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14:22:36 1 leery of what can be done at that company. I am. I
14:22:41 2 mean, there's been so many things that just show up out
14:22:44 3 of the blue or disappear out of the blue, it makes you
14:22:46 4 wonder: Is it me or what? But you have to make sure
14:22:53 5 you document everything. Like they say: Dot your I's
14:22:57 6 and cross your T's. Make sure you have something to
14:23:00 7 back you up, or the union is not going to help you.

14:23:08 8 Q. Looking at Defendants' Exhibit 26, can you tell
14:23:10 9 us what that is?

14:23:15 10 A. It's a charge of discrimination.

14:23:17 11 Q. Is this the first charge you filed?

14:23:22 12 A. Yes, it is.

14:23:23 13 Q. Okay.

14:23:28 14 A. February 17th.

14:23:31 15 Q. And at the end of the first long paragraph, you
14:23:37 16 say that you're subject to ongoing retaliation, and then
14:23:41 17 you say: Specifically, I've been denied overtime pay
14:23:45 18 and my hours worked and approved days off have been
14:23:48 19 manipulated.

14:23:49 20 A. That's what we looked at earlier in these
14:23:52 21 forms, and I did give you -- you had the copies of the
14:23:54 22 days that I --

14:23:57 23 Q. When you say you had been denied overtime pay,
14:24:00 24 how were you -- how did the company deny you that?

14:24:02 25 A. Well, in other words, I had worked the

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14:24:03 1 overtime, but they didn't pay me for it. In other
14:24:06 2 words, the way that she stated it, I don't think she
14:24:08 3 stated it properly, and I did tell her in there.

14:24:08 4 Q. Uh-huh.

14:24:10 5 A. But I told her it's okay, and I would do more
14:24:13 6 in my case that I had filed with the National Labor
14:24:20 7 Relations Board, that it wasn't the fact that I was
14:24:22 8 denied. I said that they did not pay me properly.

14:24:28 9 Q. Okay. What -- what did they not pay you
14:24:29 10 properly? Is this the pay raise issue?

14:24:31 11 A. This is before they went back and corrected
14:24:33 12 these things that's on these sheets here. You'll see
14:24:35 13 the corrections on them and the adjustments and stuff of
14:24:37 14 that nature.

14:24:38 15 Q. Okay.

14:24:38 16 A. And they were doing it on a constant basis.
14:24:41 17 It's not something that just happened one time or -- I
14:24:44 18 mean, but it was like back to back to back. You know,
14:24:46 19 if you make an error, you're not going to make that
14:24:49 20 error again and again and again. It's done at least
14:24:52 21 three or four times.

14:24:53 22 Q. At -- I think in the response to the questions
14:24:55 23 I had, you provided some pay stubs that showed overtime
14:24:58 24 and adjustments --

14:24:59 25 A. Yeah.

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14:24:59 1 Q. -- and that type. Is that what you're saying

14:25:01 2 is --

14:25:01 3 A. That's what I was saying, because some things,
14:25:05 4 I didn't go into it because it was so long back, because
14:25:08 5 I did go back on some of my other checks and seen it,
14:25:10 6 but I'm saying it -- I mean, it's ridiculous that I had
14:25:14 7 to sit there. And I think when they came out in January
14:25:17 8 with the new system, that was supposed to correct all
14:25:19 9 that stuff.

14:25:21 10 Q. Okay. With regard to this claim, though, that
14:25:24 11 you say: Specifically, I have been denied overtime pay,
14:25:28 12 is that still -- are you still claiming today that
14:25:31 13 you've been denied overtime pay?

14:25:33 14 A. In other words, the pay? No --

14:25:36 15 Q. Okay.

14:25:36 16 A. -- because those things were adjusted now, and
14:25:39 17 that was before some of the things were adjusted. You
14:25:41 18 see what I'm saying?

14:25:41 19 Q. Uh-huh.

14:25:42 20 A. I filed that in February.

14:25:43 21 Q. Thanks. You clarified that.

14:25:45 22 And then when you say: My hours worked
14:25:47 23 and approved days off have been manipulated and changed,
14:25:50 24 we've been talking about that all throughout.

14:25:53 25 A. And it was.

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14:25:53 1 Q. Okay.

14:25:54 2 A. And that was ongoing until I left, because they
14:25:56 3 wouldn't even let me print, like I said before, on the
14:26:00 4 regular printer. Days were disappearing. When I went
14:26:08 5 on vacation in that July of 2011, I had to get K.J.
14:26:11 6 Johnson to make sure that I had all these days prior to
14:26:13 7 me leaving.

14:26:18 8 Q. In that same paragraph, Ms. Shelton, you say:
14:26:21 9 Also, I was the only person in inbound collections who
14:26:23 10 was required to do outbound calls after 2010. So before
14:26:28 11 you go further, let me ask this: It's my understanding
14:26:31 12 that by -- after 2010, by last January, everybody was in
14:26:39 13 the same group, so everybody was doing the same kind of
14:26:44 14 work.

14:26:46 15 A. No.

14:26:46 16 Q. So are you saying that -- and let me go back to
14:26:52 17 what this --

14:26:53 18 A. No.

14:26:53 19 Q. First -- first quarter of 2011, there were 169
14:26:58 20 CSRs, customer service reps, in your center. So you're
14:27:02 21 saying in this charge that of these 169 reps, you are
14:27:07 22 the only one doing outbound calls?

14:27:09 23 A. In other words, we were all supposed to be
14:27:14 24 inbound officially January of 2011.

14:27:16 25 Q. Uh-huh.

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14:27:18 1 A. In January of 2011, I was pulled out -- I don't
14:27:23 2 know why I was pulled out -- to do outbound calls. That
14:27:27 3 one outbound call -- because I said: I thought we
14:27:31 4 wasn't supposed to do outbound calls after December the
14:27:35 5 31st, 2010? I was pulled out and I feel like I was
14:27:43 6 singled out because I was the only group, in other
14:27:45 7 words, Sherry Rea's group, required to do an outbound
14:27:48 8 call.

14:27:50 9 Q. Okay. So --

14:27:50 10 A. And that outbound call, I failed it, so I
14:27:55 11 failed for the month.

14:27:56 12 Q. Let's talk about this further. Again, my
14:28:02 13 question was: After December 2010 --

14:28:05 14 A. December 2010?

14:28:07 15 Q. Your sentence is this: I was the only person
14:28:11 16 in inbound collections --

14:28:13 17 A. In my group.

14:28:14 18 Q. Well, it doesn't say in your group.

14:28:16 19 A. Well, that's what should have been stated
14:28:18 20 because we had a discussion about this.

14:28:19 21 Q. So there were other employees?

14:28:21 22 A. I don't know. I don't know. I don't know. I
14:28:24 23 know what was in my group, and that's what I stated to
14:28:26 24 her. I told her "in my group."

14:28:28 25 Q. How do you know?